

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
(NORFOLK DIVISION)

DIANA LEE GIBSON,

Plaintiff,

v.

WAWA, INC.

Defendant.

Civil Action No.: _____

NOTICE OF REMOVAL

Defendant Wawa, Inc. ("Defendant"), by counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby files this Notice of Removal, and provides the following in support:

1. On or about April 26, 2019, Defendant's registered agent in Virginia was served with the Plaintiff's Complaint, which is attached as **Exhibit 1**, in a civil action entitled *Diana Lee Gibson v. Wawa, Inc.*, now pending in the Circuit Court for the City of Norfolk – Case No. CL19-3339.

2. Upon information and belief, the Plaintiff is not a resident of New Jersey or Pennsylvania.

3. Defendant is and was, both at the time of the commencement of this action and at the time of the filing of this Notice of Removal, a corporation organized and existing under New Jersey law with its principal place of business in Pennsylvania and, therefore, is a citizen of New Jersey or Pennsylvania.

4. The attached Complaint asserts that the Plaintiff is seeking compensatory damages and a "judgment against the Defendant in the amount of \$500,000.00." Accordingly; the amount in controversy exceeds \$75,000 (exclusive of interest and costs), the action involves

a controversy between citizens of different states, and is sufficient to confer diversity jurisdiction over this matter upon this Court.

5. Defendant timely filed an Answer to the plaintiff's Complaint in the Circuit Court for the City of Norfolk. That document is attached as **Exhibit 2**.

6. Thirty (30) days have not yet expired since receipt and service of Plaintiff's Complaint.

7. Copies of all process, pleadings and orders served upon Defendant in this action are attached hereto, collectively, as **Exhibit 1**.

8. Defendant has provided written notice of the filing of this Notice of Removal to Plaintiff by regular mail on this date and has also forwarded a Notice of Filing of Notice of Removal for filing with the Clerk of the Circuit Court for the City of Norfolk

WHEREFORE, Defendant requests that the Plaintiff's action now pending in the Circuit Court for the City of Norfolk be removed to this Court and placed on the regular docket of the United States District Court for the Eastern District of Virginia (Norfolk Division).

WAWA, INC.

By Counsel



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF REMOVAL was sent this May 23, 2019, served by first class U.S. mail upon:

Joseph P. St. Clair (VSB No. 24248)
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Counsel for Plaintiff


